

REMARKS

Claims 20-25, 31-34, 36, 38, and 40-46 are pending in the present application. In the Office Action, claims 20, 23-24, 31, 33-34, 36, 39-40, and 43-45 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Lee, et al, "Unequal Error Protection for Foveation-Based Error Resilience Over Mobile Networks," IEEE, vol. 2, pgs 140-143, September 10-13, 2000, hereinafter referred to as "the first Lee article." Claims 20-25, 31-34, 36, 38, 40-44, and 46 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Lee, et al, "Foveation-Based Error Resilience for Video Transmission over Mobile Networks," IEEE, vol. 10, pgs 1451-1454, July 30-August 2, 2000, hereinafter referred to as "the second Lee article." The Examiner's rejections are respectfully traversed.

Applicants have amended the specification to make reference to Provisional Patent Application Serial No. 60/221316 filed on July 28, 2000. Applicants have also submitted the petition for an unintentionally delayed benefit claim under 37 CFR 1.78(a)(6). Pursuant to the aforementioned amendments and petition, Applicants respectfully submit that the present application claims priority to Provisional Patent Application Serial No. 60/221316, which was filed on July 28, 2000. Provisional Patent Application Serial No. 60/221316 includes the subject matter disclosed in the second Lee article and provides support for claims 20-25, 31-34, 36, 38, and 40-46. Applicants respectfully submit that neither the first Lee article (dated September 10-13, 2000) nor the second Lee article (dated July 30-August 2, 2000) are available as prior art under 35 U.S.C. 102(a). Thus, Applicants respectfully request that the Examiner's rejections of claims 20-25, 31-34, 36, 38, and 40-46 be withdrawn.

Moreover, since neither the first Lee article nor the second Lee article are prior art under 35 U.S.C. 102(a), Applicants respectfully submit that the amendments presented in the present Response, as well as the amendments presented in the Response filed on July 17, 2003, were not


narrowing amendments submitted to overcome a rejection over prior art and, moreover, were not submitted to patentably distinguish the present invention over prior art. Thus, Applicants believe that these amendments, or any arguments submitted therewith, have not created an estoppel.

In the Office Action, the Examiner also noted that the second Lee article has three authors while this application only lists two inventors and suggested that a change of inventorship may be necessary because at least some of the claims may have been invented by three inventors. As set forth in the previously submitted Declaration, Applicants believe they are the inventors of the claimed subject matter. Accordingly, Applicants do not believe that a change of inventorship is necessary.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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